

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re: § **CASE NO. 18-11043-TMD**
§
§
§
SELENA D. CASH, §
§
§
Debtor. § **CHAPTER 7**

**DEBTOR'S OBJECTION TO
MOTION FOR RELIEF FROM AUTOMATIC STAY AS TO
22655 FM 744 HUBBARD, TX 76648**

TO THE HONORABLE TONY M. DAVIS, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Selena D. Cash (the “Debtor”), by and through Arletha Cash, next friend, objects to the Motion for Relief from Automatic Stay as to 22655 FM 744 Hubbard, TX 76648, [Docket No. 94] (the “Motion”), and respectfully states as follows:

1. The Debtor admits the jurisdictional allegations in the Motion.
2. The Debtor admits that this is a core proceeding.
3. The Debtor admits the allegations contained in paragraph 3 of the Motion.
4. The Debtor admits the allegations contained in paragraph 4 of the Motion.
5. The Debtor admits the allegations contained in paragraph 5 of the Motion.
6. The Debtor admits the allegations contained in paragraph 6 of the Motion.
7. The Debtor admits the allegations contained in paragraph 7 of the Motion.
8. The Debtor is unable to admit or deny the precise figures provided in paragraph 8 of the Motion, but has no basis at this time to dispute the sums pled by DiTech Financial LLC (“DiTech”) in paragraph 8(a) of the Motion.
9. The Debtor is unable to admit or deny that additional fees have been incurred by DiTech as pled in paragraph 8(b) of the Motion.
10. The Debtor is not required to admit or deny the request for relief of DiTech as pled in

paragraph 9 of the Motion. The Debtor denies that DiTech is entitled to the relief requested in the Motion.

11. The Debtor denies that cause exists for lifting the stay at this time and denies that DiTech's interest is not adequately protected. The Debtor's family has formally proposed to cure, reinstate, and assume the DiTech indebtedness as part of a purchase of the Navarro County Property from the bankruptcy estate. If this transaction is approved by DiTech and the Bankruptcy Court, DiTech's issues will be resolved. A proposal in this regard has been made to DiTech and to the Trustee.

12. The Debtor admits the allegations contained in paragraph 11 of the Motion.

13. The Debtor denies that cause exists to grant the relief requested by DiTech in paragraph 12 of the Motion.

14. The Debtor denies that cause exists to grant the relief requested by DiTech in paragraph 13 of the Motion.

WHEREFORE, PREMESES CONSIDERED, the Debtor, Selena D. Cash, respectfully requests that this Court:

- (1) deny the Motion; and
- (2) grant such other and further relief as is just and proper.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

Dated: April 18, 2019.

Respectfully submitted,

KELL C. MERCER, P.C.
1602 E. Cesar Chavez Street
Austin, Texas 78702
(512) 627-3512
(512) 597-0767 (fax)
kell.mercer@mercercounseling.com

By: /s/ Kell C. Mercer

Kell C. Mercer
State Bar No. 24007668

ATTORNEY FOR SELENA D. CASH

CERTIFICATE OF SERVICE

I hereby certify that on this April 18, 2019, I served the foregoing pleading via the Court's ECF/ECM system on all parties registered to receive notice thereby, and upon the following parties via regular United States mail and email:

Selena D. Cash
7602 Brookhollow Cove
Austin, Texas 78752

John Patrick Lowe
2402 East Main Street
Uvalde, Texas 78801
Via Email: pat.lowe.law@gmail.com

Deborah A. Bynum
Office of the United States Trustee
903 San Jacinto, Room 230
Austin, Texas 78701
Via Email: deborah.a.bynum@usdoj.gov

Cristina Platon Camarata
Harriet L. Langston
Codilis & Stawiarski, PC
400 N. Sam Houston Parkway East, Suite 900A
Houston, Texas 77060
Via Email: Christina.Camarata@tx.cslegal.com

/s/ Kell C. Mercer

Kell C. Mercer